

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re: § Chapter 11
§ Case No. 23-10671-cgb
STEEPOLOGIE, LLC §
§
Debtor §

**RESPONSE TO MOTION TO COMPEL PAYMENT OF POST-PETITION RENT AND
OTHER APPROPRIATE RELIEF**

COMES NOW Steepologie, LLC and files this Response to Motion to Compel Payment of Post-Petition Rent and Other Appropriate Relief and would show as follows:

1. Debtor admits the allegations of para. 1.
2. Debtor admits the allegations of para. 2.
3. Debtor lacks information sufficient to admit or deny the first sentence of para. 3.
Debtor admits the remainder of para. 3.
4. Debtor admits the allegations of para. 4.
5. Debtor admits the allegations of para. 5.
6. Debtor admits that Movant is entitled to an administrative claim. Debtor denies that it should be compelled to immediately pay such amount. Under Subchapter V, a debtor is permitted to pay administrative claims over the life of its plan.
7. Debtor admits that landlord is entitled to an administrative claim. Debtor denies that such claim should be paid immediately. Debtor denies that landlord is entitled to recover attorneys' fees.
8. Debtor admits the allegations of para. 8.
9. Debtor denies the allegations of para. 9. As explained in the seminal case of *In re Mr.*

Gatti's, Inc., 164 B.R. 929 (Bankr. W.D. Tex. 1994), Congress mandated timely performance of a tenant's obligations but did not provide a remedy. The most logical remedy would be requiring the Debtor to pay the rent or surrender the property. Here, Debtor has already surrendered the property. Additionally, when Congress enacted Subchapter V it allowed payment of administrative claims over the life of a plan. If Debtor sought to assume the lease it would be required to cure the pre- and post-petition arrearages. However, since Debtor has rejected the lease the most the creditor is entitled to is an allowed administrative claim.

10. Debtor denies the allegations of para. 10.
11. Debtor denies the allegations of para. 11.
12. Debtor denies the allegations of para. 12.
13. Debtor denies the allegations of para. 13.
14. Debtor denies the allegations of para. 14.
15. Debtor admits the allegations of para. 15.
16. Debtor admits the allegations of para. 16.

Respectfully Submitted,

BARRON & NEWBURGER, P.C.

/s/ Stephen W. Sather

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ATTORNEYS FOR THE DEBTOR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was served by first class mail, postage prepaid and properly addressed, on October 11, 2023 to all parties listed on the attached Service List, to the persons listed below by email and electronically by the Court's ECF system to all parties registered to receive such service.

/s/ Stephen W. Sather _____

Steepologie, LLC

U.S. BANKRUPTCY COURT

0542-1

2110 Ranch Road 620 S 341929

903 SAN JACINTO, SUITE 322

Case 23-10671-hcm

Steepologie, LLC

AUSTIN, TX 78701-2450

Western District of Texas

Austin, TX 78734-0279

Austin

Fri Aug 25 14:10:17 CDT 2023

ALDERWOOD MALL L.L.C.
350 N. Orleans St Suite 300
Chicago, IL 60654-1607

ALDERWOOD MALL L.L.C.
350 N. Orleans St
Chicago, IL 60654-1975

ALDERWOOD Mall, LLC
ALDERWOOD Mall, LLC
701 Fifth Avenue, Suite 3600
Seattle, WA 98104-7010

Alvarez Plumbing and Air Conditioning
Alvarez Plumbing and Air Conditioning
1623 S 51st ST
Tampa, FL 33619-5327

American Express
PO Box Box 981535
El Paso, TX 79998-1535

Andrea Raetzer
2901 S Capital of Texas Hwy,
Austin, TX 78746-8101

Barclays Card
Hawaiian Airlines World Elite
P.O. Box 8802
Wilmington, DE 19899-8802

Bellweather Properties
c/o M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

Bellwether Properties
c/o M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

Blueprint Capital REIT, Inc.
PO Box Box 16309
Seattle, WA 98116-0309

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Clear Finance Tech Corp.
Clear Finance Tech Corp CLEARCO CAPITAL
1200-33 Yonge Street
Toronto, Ontario, M5E 1G4

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

Equinox Properties Corp.
600 N 36th Street Suite 1
Seattle, WA 98103-8830

Fashion Show Mall
c/o M.S., Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

GGP Ala Moana LLC
GGP Ala Moana LLC
350 N. Orleans Street 300
Chicago, IL 60654-1607

(p)REGENCY CENTERS
ATTN LEGAL DEPARTMENT
ONE INDEPENDENT DRIVE
SUITE 114
JACKSONVILLE FL 32202-5005

Geneva Capital, LLC
1311 Broadway St.
Alexandria, MN 56308-2533

Gibraltar, LLC
720 Seneca St. Suite B
Seattle, WA 98101-3265

Green Hills Mall TRG LLC
200 East Long Lake Road Suite 300
Bloomfield Hills, MI 48304-2324

Greenwood Park Mall, LLC
c/o M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

Home Depot Credit Services
HOME DEPOT CREDIT SERVICES
P. O. Box 790328
Saint Louis, MO 63179-0328

INTERNATIONAL TEA IMPORTERS
INTERNATIONAL TEA IMPORTERS
2140 Davie Ave
Los Angeles, CA 90040-1706

Joe Raetzer
2901 S Capital of Texas Hwy,
Austin, TX 78746-8101

Klaviyo, Inc.
125 Summer Street Floor 6
Boston, MA 02110-1641

Lincoln Automotive Financial Services
Customer Service Center
P.O. Box 542000
Omaha, NE 68154-8000

MALL AT ROCKINGHAM, LLC
MALL AT ROCKINGHAM, LLC
225 West Washington Street
Indianapolis, IN 46204-3435

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Mall at Northshore, LLC
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435
Mall at Smith Haven, LLC
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435
Newport Centre, LLC
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

Old Vine - Kingwood Associates, LLLP
c/o Old Vine Management Group, Inc.
1459 South Pearl Street
Denver, CO 80210-2226

PAYCOR c/o CST Co.
PAYCOR c/o CST Co
PO Box 33127
Louisville, KY 40232-3127

PAYPAL CREDIT/SYNCB
PAYPAL CREDIT/SYNCB
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Philadelphia, PA 19176-1707

PUGET SOUND ENERGY
PUGET SOUND ENERGY
PO BOX 91269
92690

Paypal, LLC
2211 North First Street
San Jose, California, CA 95131-2021

Puget Sound Leasing Co., Inc.
P.O. Box 91269
Issaquah, WA 98027

QUEST RESOURCE MANAGEMENT GROUP LLC
QUEST RESOURCE MANAGEMENT GROUP LLC
P.O. Box 560261
The Colony, TX 75056-0261

ROYAL TEA NEW YORK LLC
ROYAL TEA NEW YORK LLC
661 Hadley Road
South Plainfield, NJ 07080-2403

RWS Facility Services
Dept. #40299
PO Box 740209
Atlanta, GA 30374-0209

SA Galleria, LLC
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

SDG FASHION MALL LIMITED PARTNERSHIP,
SDG FASHION MALL LIMITED PARTNERSHIP,
225 West Washington Street
Indianapolis, IN 46204-3435

SOU-TIER INC. (SAT)DBA
dba Robert F. Barnes
216 E. Rhapsody DR.
San Antonio, TX 78216-3114

Simon Property Group (Texas), L.P.
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

Small Business Administration
Little Rock Loan Servicing
2120 Riverfront Drive, Suite 100
Little Rock, AR 72202-1794

Southcenter Mall
WEA Southcenter LLC
2049 Century Park East, 41st Floor
Los Angeles, CA 90067-3101

Tampa Westshore Associates
Tampa, FL

U.S. Dept. of Justice
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Washington, DC 20530-0009

United States Attorney
Civil Processing Clerk
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San Antonio, TX 78216-5512

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

WEA SOUTHCENTER LLC
WEA SOUTHCENTER LLC,
2049 Century Park East, 41st Floor
Los Angeles, CA 90067-3101

WEBBANK (RE: SHOPIFY CAPITAL)
WEBBANK (RE: SHOPIFY CAPITAL)
100 Shockoe Slip, 2nd Floor
Richmond, VA 23219-4100

Washington Department of Revenue
Washington Department of Revenue
2101 4th Ave
Seattle, WA 98121-2352

Westchester Mall, LLC
M.S. Management Associates Inc.
225 West Washington Street
Indianapolis, IN 46204-3435

YOTPO INC.
YOTPO INC.
233 Spring ST. 6th Floor West
New York, NY 10013-1522

Stephen W. Sather
Barron & Newburger, PC
7320 N MoPac Expy, Suite 400
Austin, TX 78731-2347

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) .

Chase	Elan Financial Services	GRAND RIDGE PLAZA II, LLC,
Chase Bank	Elan Financial Services	c/o Regency Centers Corporation
PO BOX 6294	PO Box 790408	One Independent Drive 114
Carol Stream, IL 60197-6294	Saint Louis, MO 63179	Jacksonville, FL 32202-5019

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Kings Perez Flooring	End of Label Matrix
Kings Perez Flooring	Mailable recipients 57
kingsperezflooring@gmail.com	Bypassed recipients 1
	Total 58